

Remarks

This Amendment and these remarks are being submitted in response to the Decision of the Board of Patent Appeals and Interferences mailed in this application on December 21, 2006. After entry of this Amendment, claims 5, 6, 8-10, 14, 15 and 18-20 are pending in this application. Entry of this Amendment and reconsideration of this application is respectfully requested.

The rejection of claims 5, 6, 10, 14, 15 and 18 was reversed. Accordingly, claims 5 and 15 have been amended to be in independent form; the dependency of claims 6 and 18 has been amended as appropriate; and claims 10 and 14 remain unchanged.

Allowance of these claims is earnestly solicited.

Claim 8 has been rejected as anticipated under 35 U.S.C. §102(b) over U.S. Patent No. 3,976,223 ("Jass, et al."), and claims 9, 19 and 20 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,059,187 ("Sperry, et al.") in view of Jass, et al. Reconsideration and withdrawal of these rejections are respectfully requested.

The purpose of the package of Jass, et al., is to separately store a plurality of flowable substances in a single package from which such substances may be dispensed. According to Jass, et al., only the lower chamber of the outer container is pressurized with a gas through a self-sealing plug in the container bottom. See, e.g., column 2, lines 53-57. Since only the lower chamber of the outer container of Jass, et al., is pressurized with a gas through a self-sealing plug, the container in Jass, et al., is not self-sealing as required in the rejected claims. Moreover, it is submitted that Jass, et al., does not address the avoidance of contamination during use. Rather, any avoidance of contamination appears to be with respect to storage. See, e.g., column 5, lines 23-32 and column 6, lines 8-13.

For at least these reasons, reconsideration and withdrawal of the rejection of claim 8 over Jass, et al., are requested.

With respect to the rejection over Sperry, et al., in view of Jass, et al., all the claims have been amended to require multiple doses of gel within the vessel. Sperry, et al., teach away from the present invention in that Sperry, et al., do not teach or suggest a dispensing vehicle that contains multiple doses of wound-treating material. Instead,

Sperry et al., teach away from a multiple dose container stating that “the container and method ... [is such that] the container contains enough wound cleaning solution to irrigate the average wound or abrasion.” (See col. 1, lines 52-56.) Thus, although the contents of the container in Sperry, et al., can be sterilized, Sperry, et al., do not disclose a dispensing device that can contain more than a single dose of wound-treating material. Thus, nothing in Sperry, et al., suggests a wound gel dispenser capable of dispensing multiple doses while keeping the wound gel contents reasonably free of contaminants.

A second way in which Sperry, et al., teaches away from the present invention is in the fact that Sperry et al. disclose a method of dispensing liquid, not gel, to a wound. This method lacks the complicating factors of dispensing a gel that is in gel-form within the container.

Further, Sperry, et al., does not make up for the deficiencies of Jass, et al., of record. For at least these reasons, reconsideration and withdrawal of these rejections over Sperry, et al., in view of Jass, et al., are respectfully requested.

In view of the foregoing, reconsideration of this application, withdrawal of the rejections and allowance with all the pending claims are respectfully requested.

Respectfully submitted,

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Date: February 21, 2007